UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,730	06/02/2001	Gerald Neufeld	4906.P021	4760

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EXAMINER
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ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 August 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _54-87_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _54-87_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date _____.   6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 88 is withdrawn and canceled from further consideration pursuant to 37

CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic

or linking claim. Election was made **without** traverse in the reply filed on 08/05/05.

Claim Objections

Claims 60 and 77 are objected to because of the following informalities: *wile*.

Appropriate correction is required.

Response to Arguments

Applicant's arguments with respect to claims 54-87 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 54, 61-68, 71 and 78-85 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The

claim(s) contains subject matter which was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed

invention.

As in claims 54 and 71, *a network element having a first interface communicatively*

coupled to a subscriber over a network provider network and a second interface communicatively

coupled to a service provider over a service provider network, receiving a request from a user of the

network element for configuring the network element, a database that is used to route network traffic

between the network provider network and the service provider network via the first and second

interfaces, the network provider network being different than the service provider network, a commit

command from the CLI, were not described in the specification.

As in claims 61 and 78, the claimed *indicating within the transaction log that the request*

is in a non-transaction state if operations of committing the operations of the request from the

transaction log to the database have completed was not described in the specification.

As in claims 62 and 79, the claimed *indicating within the transaction log that the request*

is in a transaction state while recording the operations of the request in the transaction log before

receiving the commit command from the user was not described in the specification.

As in claims 63 and 80, the claimed *detecting whether operations of committing the*

operations of the request from the transaction log to the database have stopped resulted from errors of

the network element; and in response to the detection, renewing performing the operations of the

request from the transaction log to the database while the record of the database is locked was not

described in the specification.

As in claims 64 and 81, the claimed *the detection of whether operations of committing*

the operations of the request has stopped resulted from errors is performed in response to the network

element crashes and recovers from the crash was not disclosed in the specification.

As in claims 65 and 82, the claimed *the detection is performed by examining within the*

transaction log whether the request is in the committing state, and wherein the renewing is performed

only if the request is in the committing state was not disclosed in the specification.

As in claims 66 and 83, the claimed *detecting whether operations of recording the*

operations of the request within the transaction log have stopped resulted from errors of the network

element; and in response to the detection, removing the request from the transaction log without

committing to the database was not disclosed in the specification.

As in claims 67 and 84, the claimed *the detection of whether operations of recording the*

operations of the request within the transaction log has stopped resulted from errors is performed in

response to the network element crashes and recovers from the crash was not disclosed in the

specification.

As in claims 68 and 85, the claimed *the detection is performed by examining within the*

transaction log whether the request is in the transaction state, and wherein the removing is performed

only if the request is in the transaction state was not disclosed in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 54 and 71 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

As in claims 54 and 71, the *database associated with the request* refers to other items

in the claim. It is unclear what item is being referenced.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 54-62, 69-79, 86 and 87 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Traversat et al. [6,115,715] in view of Blumenau et al. [USP

6,665,714 B1].

Regarding claims 54 and 71, Traversat teaches a computer method for updating

and managing configuration database performed by *a network element having a first interface*

communicatively coupled to a subscriber over a network provider network and a second interface

communicatively coupled to a service provider over a service provider network (Computer system

900 as *a network element* (Col. 11, Lines 43-45), computer system 900 uses peripheral

buss as *a first interface* to communicate to a printer device as *a subscriber* (Col. 12, Lines

36-40). As illustrated at FIG. 9, Col. 12, Lines 37-40, the subsystem includes monitor,

adapter and printer device, sets up *a network provider network*. Network interface 924 (Col.

12, Lines 43-45) as *a second interface* communicate with the server as in FIG. 1 as *a service*

provider over a telecommunication network (Col. 12, Lines 43-45) as *a service provider*

network) the method comprising:

receiving a request from a user of the network element for configuring the network element
(Col. 7, Lines 58-59),

the request accessing a configuration file stored in a database (Col. 7, Lines 61-63)

that is used to route network traffic between the network provider network and

the service provider network via the first and second interfaces (Col. 7, Lines 20-47,

network traffic is controlled by two-phase lock),

the network provider network being different than the service provider network

(As in FIG. 9, subsystem includes monitor, adapter and printer device,

sets up *a network provider network.* Network interface 924 (Col. 12, Lines 43-

45) as *a second interface* communicate with the server as in FIG. 1 as *a*

service provider over a telecommunication network (Col. 12, Lines 43-45) as

a service provider network are two different entities);

in response to the request, recording operations of the request in a transaction log separated

from the database without accessing the database (Col. 10, Lines 3-18) *until a commit command is*

received from the user (Col. 8, Line 67-Col. 9, Line 9); and

performing the operations of the request from the transaction log to access a record of the

database associated with the request in response to a commit command indicating that the user has

committed to the requested configuration (Col. 9, Lines 40-41).

Traversat does not explicitly teach *a command line interface (CLI)* is used for

receiving the request.

Blumenau teaches *a command line interface (CLI)* is used for communicating with a

configuration database.

It would have been obvious for one of ordinary skill in the art at the time the

invention was made to include a command line interface in order to configure a network

element.

Regarding claims 55 and 72, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 54 and 71,

Traversat further discloses *the transaction log comprises a persistent memory in which content of*

the transaction log is maintained after the network element is powered down or rebooted (Traversat,

Col. 13, Lines 65-67, Col. 6, Lines 13-15).

Regarding claims 56 and 73, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 54 and 71,

Traversat further discloses the step of *acquiring a lock for locking the record of the database*

associated with the request to prevent other users from accessing the record of the database

(Traversat, Col. 8, Lines 3-24).

Regarding claims 57 and 74, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 56 and 73,

Traversat further discloses the step of *receiving further modification of configuration from the*

user prior to the commit command; and storing the modification in the transaction log without

accessing the data base until the commit command is received from the user upon which the

modification of the configuration is committed from the transaction log to the locked record of

database (Traversat, Col. 8, Line 60-Col. 9, Line 9).

Regarding claims 58 and 75, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 56 and 73,

Traversat method further comprising: *receiving an abort command from the user via the CLI*

prior to receiving the commit command; and in response to the abort command, removing the

operations of the request from the transaction log and releasing the acquired lock without accessing

the database (Traversat, FIG. 5).

Regarding claims 59 and 76, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 58 and 75,

Traversat further discloses *after performing the removing and releasing in response to the abort*

command, the record of the database remains substantially identical with respect to the record prior to

receiving the request (Traversat, Col. 9, Lines 59-65).

Regarding claims 60 and 77, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 56 and 73,

Traversat further discloses the step of *indicating within the transaction log that the request is in*

a committing state wile committing the operations of the request from the transaction log to the locked

record of the database (Traversat, Col. 8, Line 60-Col. 9, Line 9).

Regarding claims 61 and 78, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 60 and 77,

Traversat further discloses the step of *indicating within the transaction log that the request is in*

a non-transaction state if operations of committing the operations of the request from the transaction

log to the database have completed (Traversat, Col. 10, Lines 18-31).

Regarding claims 62 and 79, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 61 and 78,

Traversat further discloses the step of *indicating within the transaction log that the request is in*

a transaction state while recording the operations of the request in the transaction log before receiving

the commit command from the user (Traversat, Col. 10, Lines 18-31).

Regarding claims 69 and 86, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 56 and 83,

Traversat further discloses the step of *determining whether the lock being acquired is*

unavailable; notifying the user via the CLI that the lock is unavailable; and prompting the user

whether the user desires to wait or cancel the request (Traversat, Col. 8, Lines 3-41).

Regarding claims 70 and 87, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 59 and 86,

Traversat further discloses the steps of *removing the request from the transaction log in*

response to receiving a cancel command from the user in response to the prompting; and in response

to receiving a wait command from the user, repeating acquiring the lock until the lock has been

acquired upon which if the commit command has been received, the request is committed from the

transaction log to the locked record of the database (Traversat, Col. 8, Lines 3-41).

Claims 63-68 and 80-85 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Traversat et al. [6,115,715], Blumenau et al. [USP 6,665,714 B1]

as applied to claims 62, 79 above, and further in view of Asherman [US

2002/0065795 A1].

Regarding claims 63 and 80, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 62 and 79, but

does not teach the step of *detecting whether operations of committing the operations of the*

request from the transaction log to the database have stopped resulted from errors of the network

element; and in response to the detection, renewing performing the operations of the request from the

transaction log to the database while the record of the database is locked.

Asherman teaches the step of *detecting whether operations of committing the operations*

of the request from the transaction log to the database have stopped resulted from errors of the network

element; and in response to the detection, renewing performing the operations of the request from the

transaction log to the database while the record of the database is locked (paragraph 0110-0117).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to detect the error and renewing the configuration step as disclosed

by Asherman in order to reconfigure configuration data.

Regarding claims 64 and 81, Traversat, Blumenau and Asherman, in

combination, teach all of the claimed subject matter as discussed above with respect to

claims 63 and 80, the claimed *the detection of whether operations of committing the operations of*

the request has stopped resulted from errors is performed in response to the network element crashes

and recovers from the crash is further disclosed by Asherman (paragraph 0064, 0110-0117).

Regarding claims 65 and 82, Traversat, Blumenau and Asherman, in

combination, teach all of the claimed subject matter as discussed above with respect to

claims 64 and 81, Asherman further discloses *the detection is performed by examining within*

the transaction log whether the request is in the committing state, and wherein the renewing is

performed only if the request is in the committing state (paragraph 0110-0117).

Regarding claims 66 and 83, Traversat and Blumenau, in combination, teach all

of the claimed subject matter as discussed above with respect to claims 62 and 79, but

fail to disclose the step of *detecting whether operations of recording the operations of the request*

within the transaction log have stopped resulted from errors of the network element; and in response to

the detection, removing the request from the transaction log without committing to the database.

Asherman teaches the step of *detecting whether operations of recording the operations of*

the request within the transaction log have stopped resulted from errors of the network element; and in

response to the detection, removing the request from the transaction log without committing to the

database (paragraph 0110-0117). Therefore, it would have been obvious for one of

ordinary skill in the art at the time the invention was made to detect the error and

renewing the configuration step as disclosed by Asherman in order to reconfigure

configuration data.

Regarding claims 67 and 84, Traversat, Blumenau and Asherman, in combination, teach all of the claimed subject matter as discussed above with respect to claims 66 and 83, Asherman further discloses *the detection of whether operations of recording the operations of the request within the transaction log has stopped resulted from errors is performed in response to the network element crashes and recovers from the crash* (paragraph 0064, 0110-0117).

Regarding claims 68 and 85, Traversat, Blumenau and Asherman, in combination, teach all of the claimed subject matter as discussed above with respect to claims 67 and 84, Asherman further discloses *the detection is performed by examining within the transaction log whether the request is in the transaction state, and wherein the removing is performed only if the request is in the transaction state* (paragraph 0110-0117).
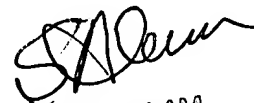
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HUNG Q PHAM
Examiner
Art Unit 2168

October 16, 2005

SHAHID ALAM
PRIMARY EXAMINER